

DETAILED ACTION

This action is in response to claims filed 6/10/2011 in view of the RCE filed 7/29/11.

Election/Restrictions

1. Claims 1-7 are allowable. The restriction requirement between species, as set forth in the Office action mailed on 9/25/09, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 8-12, directed to subject matter depending on allowable claim 1 is no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim. However, claims 13-38, directed to species *b*, *c*, and/or *d* are withdrawn from consideration because they do not require all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

2. This application is in condition for allowance except for the presence of claims 13-38 directed to species non-elected without traverse. Accordingly, claims 13-38 have been cancelled.

Allowable Subject Matter

3. Claims 1-12 are allowed.

4. The following is an examiner's statement of reasons for allowance: The prior art does not teach or suggest a lens position detecting device for detecting the position of a lens on a base in an optical axis direction, the base being fixedly mounted in a lens barrel body, the device comprising a position detecting magnet, magnetic force detecting sensor, actuating magnet, and positional information generating means having the structural and functional correlation set forth in claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRET ADAMS whose telephone number is (571)270-

5028. The examiner can normally be reached on Monday through Friday between 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Clayton LaBalle can be reached on 571-272-1594. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CLAYTON E. LABALLE/
Supervisory Patent Examiner, Art Unit 2862

/BRET ADAMS/
Examiner, Art Unit 2862